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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,320	11/16/2001	Francis M. Lacan	CHA920010022US1	8419
23550	7590	06/14/2006	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			CERVELLI, DAVID GARCIA	
		ART UNIT	PAPER NUMBER	
			2136	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/988,320	LACAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	David G. Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 March 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 November 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/3/06.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Applicant's arguments filed March 22, 2006, have been fully considered but they are not persuasive.
2. Claims 1-24 are pending and have been examined.

***Response to Amendment***

3. The objection to the abstract is withdrawn.
4. The objections to the specification are withdrawn.
5. **The objections to the drawings are not withdrawn.** Examiner contacted "Scanner Customer Support" and requested the documents were reviewed in search for the drawings filed January 8, 2002. There were none found. Examiner respectfully requests the corrected drawings.
6. The objection to claim 17 regarding the period instead of the semi-colon is withdrawn.
7. The applicant has not traversed the examiner's use of official notice with regards to the claimed limitations found in claim 5, these features are taken by the examiner to be admitted prior art since the applicant has not adequately challenged the examiner's use of official notice (see MPEP 2144.03(c), 2144.04).

***Drawings***

8. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the handwritten reference characters on figures 1 and 3 are not clear. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Claim Objections***

9. Claim 12 is objected to because of the following informalities: "receiving at randomly generated time intervals". What is being received at randomly generated time intervals? Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. **Claims 1-7 and 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty et al. (US Patent 6,275,824, hereinafter O'Flaherty), and further in view of Williams (US Patent Application Publication 2003/0005331).**

**Regarding claims 1 and 20,** O'Flaherty teaches a data management system, comprising: an access control system for limiting access to the data management system to authorized entities (column 11, lines 35-60); a data confidentiality system for identifying and concealing confidential details in received data (column 8, lines 10-61); a data storage system for storing the received data (column 4, lines 1-67); a data update system for periodically examining stored data to identify and expose any confidential details that have become non-confidential details (column 5, lines 45-67, column 6, lines 1-35). O'Flaherty does not expressly disclose that the details in the received data are one of secret, temporarily secret, possibly secret, and not secret, wherein secret,

temporarily secret, and possibly secret comprise confidential details. However, Williams teaches applying labels to data (top secret, secret, etc.) (paragraphs 102-138) and maintaining and preventing access to unauthorized entities (paragraphs 167-191). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the access control teachings of Williams to the system of O'Flaherty. One of ordinary skill in the art would have been motivated to do so to provide access control, object reuse, labeling, identification and authentication, and auditing to a secure network (Williams, paragraphs 2-24).

**Regarding claim 12**, O'Flaherty teaches a data management system, comprising: an access control system for limiting access to the data management system to authorized entities (column 11, lines 35-60); a data decryption system for receiving at randomly generated time intervals and decrypting received operational risk data (column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60); a data confidentiality system for identifying and concealing confidential details in the received data (column 8, lines 10-61); a data storage system for storing received data after the confidential details have been concealed (column 4, lines 1-67); a data update system for periodically examining stored data to identify and expose any confidential details that have become non-confidential details (column 5, lines 45-67, column 6, lines 1-35); a program approval system for approving systems for analyzing the stored data (column 4, lines 35-60). O'Flaherty does not expressly disclose details in the received data as one of secret, temporarily secret, possibly secret, and not secret, wherein secret, temporarily secret, and possibly secret comprise confidential details or a key security

system for protecting encryption keys. However, Williams teaches applying labels to data (top secret, secret, etc.) (paragraphs 102-138), maintaining and preventing access to unauthorized entities (paragraphs 167-191), and protecting encryption keys (paragraphs 153-176). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the access control teachings of Williams to the system of O'Flaherty. One of ordinary skill in the art would have been motivated to do so to provide access control, object reuse, labeling, identification and authentication, and auditing to a secure network (Williams, paragraphs 2-24).

**Regarding claim 16**, O'Flaherty teaches a method for managing data, comprising: receiving operational risk data at randomly generated time intervals in a secured manner from an authorized provider (column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60); identifying and concealing confidential details in the received data (column 8, lines 10-61); storing the received data (column 4, lines 1-67); and updating the stored data by identifying and exposing any confidential details that have become non-confidential details in the stored data (column 5, lines 45-67, column 6, lines 1-35). O'Flaherty does not expressly disclose that the details in the received data as one of secret, temporarily secret, possibly secret, and not secret, wherein secret, temporarily secret, and possibly secret comprise confidential details. However, Williams teaches applying labels to data (top secret, secret, etc.) (paragraphs 102-138), maintaining and preventing access to unauthorized entities (paragraphs 167-191), and protecting encryption keys (paragraphs 153-176). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

apply the access control teachings of Williams to the system of O'Flaherty. One of ordinary skill in the art would have been motivated to do so to provide access control, object reuse, labeling, identification and authentication, and auditing to a secure network (Williams, paragraphs 2-24).

**Regarding claims 2, 17, and 21,** the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, the combination of O'Flaherty and Williams teaches a data decryption system for decrypting received data (O'Flaherty, column 4, lines 60-67, column 5, lines 1-63, column 10, lines 50-60); a data verification system for verifying an accuracy of received data (Williams, paragraphs 8-18); a program approval system for approving systems for analyzing the stored data (O'Flaherty, column 4, lines 35-60); and a key security system for protecting encryption keys (Williams, paragraphs 153-176).

**Regarding claims 3, 13, 18, and 22,** the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein stored data is analyzed with a data analysis system (column 9, lines 55-67, column 10, lines 1-49).

**Regarding claims 4, 14, 19, and 23,** the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the data analysis system is permitted to analyze the stored data based upon approval by full rights members of the data management system (column 8, lines 10-67).

**Regarding claim 5,** the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, Williams teaches wherein data management

system is a tamper resistant, tamper evident, tamper sensitive, tamper reactive, and programmable system (paragraphs 33, 151-168) and these features have been admitted per applicant to have been conventional and well known at the time the invention was made by the failure to adequately challenge the examiner's use of official notice.

**Regarding claim 6**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the received data and the stored data are operational risk data (column 4, lines 1-67).

**Regarding claim 7**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the system mitigates operational risk (column 4, lines 1-67).

**Regarding claim 9**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the confidential details cannot be accessed by any entity (column 5, lines 15-67).

**Regarding claim 10**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the confidential details can only be accessed by a plurality of entities acting in concert (column 9, lines 15-55).

**Regarding claim 11**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches a customer relationship management tool for verifying a policy of an entity (column 11, lines 5-67).

**R** garding claim 15, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein a provider submits the operational risk data to the data management system, and wherein a requester accesses the stored data (column 4, lines 1-67, column 5, lines 1-67, column 11, lines 35-60).

**Regarding claim 24**, the combination of O'Flaherty and Williams teaches the limitations as set forth above. Furthermore, O'Flaherty teaches wherein the received data is operational risk data (column 4, lines 1-67).

**12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Flaherty and Williams, and further in view of Scott et al. (US Patent Application Publication 2002/0082996, hereinafter "Scott").**

**Regarding claim 8**, the combination of O'Flaherty and Williams does not expressly disclose wherein data is received based upon a randomly generated time interval. However, Scott teaches wherein data is received based upon a randomly generated time interval (page 3, paragraph 28). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive data at randomly generated time intervals. One of ordinary skill in the art would have been motivated to do so to provide flexibility on receiving data.

### ***Conclusion***

**13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Application Publication 2004/0049679 to Meggle disclose using a tamper resistant/tamper evident authentication device. US Patent**

Numbers 6,224,486 and 6,425,828 to Walker et al. disclose the use of tamper evident/resistant/reactive/sensitive systems/memory.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

CHRISTOPHER REVAK  
PRIMARY EXAMINER

CCR 6/11/06